

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT

Held: Monday, December 4, 2023, at 2:00 p.m. via teleconference and in person at the Golden Recreation Center, 1470 10th Street, Golden, Colorado

Attendance

The regular meeting of the Board of Directors of the Hawthorn Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Board, were in attendance:

Krystal Bigley
Andrea Stewart
Brittany Lutz
Steve Daniels
Stephen Bonneau

Also present were Trisha Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Allison Williams, CliftonLarsonAllen, LLP, District Accountants; Mark Becker, MSI HOA, District Manager; and Linda Brodsky, Joe Perry, Gene Gray and Brian Dobbler, members of the public.

Call to Order

It was noted that a quorum of the Board was present and Director Bigley called the meeting to order at 2:00 p.m.

Conflict of Interest Disclosures

Ms. Harris advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Harris reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Harris inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Director Bigley presented the agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda.

Consent Agenda

Director Bigley reviewed the items on the consent agenda with the Board. Each item on the Consent Agenda was considered separately. Upon motions duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- Minutes of September 11, 2023 Regular Meeting
- 2022 Annual Report
- Renewal of General Liability Schedule and Limits and Property Schedule and Authorization to Bind Coverage
- Authorization of Renewal of Special District Association of Colorado Membership for 2024
- Workers' Compensation Coverage with Colorado Special Districts Property and Liability Pool

Financial Matters

Review and Consider
Acceptance of Unaudited
Financials

Ms. Williams presented the unaudited financials to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.

Review and Consider
Approval of Claims

Ms. Williams presented the claims to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims.

Conduct Public Hearing on
2024 Budget

Ms. Williams opened the public hearing on the proposed 2024 Budget. Ms. Williams noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Adoption of
Adopting 2024 Budget,
Imposing Mill Levy and
Appropriating Funds

Ms. Williams reviewed the 2024 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution adopting the 2024 Budget, appropriating funds therefor and certifying mills for the General Operating Expenses fund, mills for the Debt Service Obligations fund, and mills for the Contractual Obligation Expenses fund as shown in the 2024 Budget, subject to receipt of final assessed valuation.

Consider Auditor Engagement Letter for 2023 Audit

Ms. Williams presented the Auditor Engagement Letter for the 2023 Audit. Following discussion, upon a motion duly made and seconded, the Board approved the Auditor Engagement Letter for the 2023 Audit.

Legal Matters

Consider Adoption of 2024 Annual Administrative Resolution

Ms. Harris presented the 2024 Annual Administrative Resolution to the Board. Following discussion, upon a motion duly made and seconded, the Board approved the 2024 Annual Administrative Resolution.

Facilities/Management Matters

Consider Approval of Independent Contractor Agreement with Environmental Landworks for 2024/2025 Landscape Maintenance

Ms. Bigley presented the Independent Contractor Agreement with Environmental Landworks for 2024/2025 Landscape Maintenance to the Board. Following discussion, upon a motion duly made and seconded, the Board approved the Independent Contractor Agreement with Environmental Landworks for 2024/2025 Landscape Maintenance with the following additional services added:

- Additional Fall Aeration: \$570
- Native Edge to Edge Mow: \$5,000 (once per month from April through September, two included in the contract)
- Native Fence Line Mowing: \$2,199 (four mows total per year)
- Native Broadleaf Spray: \$3,500 (two applications)
- Irrigation Pump System Maintenance: \$2,210 (performed by irrigation pump specialist in Spring, Summer and Fall)
- Turf Top Dressing and Over Seeding of East and West Fields Only: \$2,500 (one time, at the time of aeration)
- Open Space Clean Up: \$1,315 (one time)
- Drain Pan Clean Up: \$4,800 (one time)
- IPS Beetle Preventive Spray: \$1,278 (February-May)
- Box Elder Spray: \$325 (July-August)
- Box Elder Spray: \$325 (August-September)

Discuss Status of Erosion Along Highway 93 and Discussions with CDOT

Ms. Bigley discussed that CDOT came out and laid seed grass and did some drainage work in that area. They did not do anything on the District's side of the sidewalk, and there may be some French drains, or the like, that may need to be done on the District's side in the future after the District sees the impact of CDOT's work over time.

Discuss Berm Construction Ms. Bigley discussed that the Board had previously approved a berm to be constructed in the area where CDOT recently did its work. With that work being done, a berm is not needed there, but there may be work to be done on the District’s side of the sidewalk. The Board will wait and see CDOT’s work holds up and evaluate further at a future date.

Retaining Wall Damage

Discuss Status of Insurance Claim Ms. Bigley discussed that the retaining wall collapsed in August. An insurance claim was submitted, and the insurance company engaged an engineer to inspect the wall. The claim was denied on the grounds that the failure of the wall was due to a construction defect. The statute of repose on any construction defect claim has expired.

Consider Approval of Independent Contractor Agreement with Environmental Landworks for Retaining Wall Repair Ms. Bigley presented the proposal from Environmental Landworks for repair of the retaining wall. Following discussion, upon a motion duly made and seconded, the Board approved the first line item on the scope of work on the agreement with Environmental Landworks (the repair/replacement of the portion of the wall that failed), with that portion to be repaired/replaced as soon as possible. The Board will evaluate the repair/replacement of the remainder of the wall and the landscaping at a later date.

Other Business None

Public Comment Linda Brodsky addressed the Board about the maintenance of the tree lawns along 59th from the open space to Eldora.

Adjournment There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting at 4:05 p.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Stephen Daniels
Stephen Daniels (Mar 5, 2024 14:47 CST)
Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 4th day of March, 2024.